

RULES and REGULATIONS

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-166V, Amdt. No. 173-199]

Hazardous Materials; Uranium Hexafluoride

Thursday, March 12, 1987

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Emergency final rule.

SUMMARY: This document revises the final rule published on November 18, 1986 in the Federal Register [51 FR 41631] under Docket HM-166V, by removing the requirement that all uranium hexafluoride (UF 6 ) cylinders be cleaned in accordance with specific procedures contained in Appendix A of the American National Standards Institute (ANSI) Standard N14.1-1982. This action is necessary on an emergency basis, due to health and safety hazards that may be associated with use of cleaning procedures in Appendix A, ANSI Standard N14.1- 1982 for packagings other than new packagings. The effect of this action is to remove potential hazards identified with required cleaning procedures for packagings containing UF 6 .

EFFECTIVE DATE: March 12, 1987.

FOR FURTHER INFORMATION CONTACT: Michael E. Wangler, Technical Division, Office of Hazardous Materials Transportation, 400 Seventh St., SW., Washington, DC 20590, (202) 366-4545.

SUPPLEMENTARY INFORMATION:

On November 18, 1986, RSPA published a final rule under Docket HM-166V, entitled "Hazardous Materials; Uranium Hexafluoride", amendment numbers 172- 107 and 173-198 at 51 FR 41631. These amendments strengthened the hazardous materials regulations (HMR, 49 CFR Parts 171 through 179) applying to the transport of UF 6 . Specifically the amendments required that containers for UF 6 be constructed, inspected, tested, cleaned and repaired in accordance with a consensus standard, ANSI Standard 14.1-1982. In addition, the amendments placed limitations on filling cylinders and transporting of filled cylinders.

Subsequent to publication of the final rule, RSPA learned that the new requirements had disqualified a large number of existing UF 6 cylinders, thereby causing serious problems for shippers of this material. In response to five petitions for reconsideration, RSPA on December 24, 1986, published at 51 FR 46674 a revision of the final rule, which both delayed, until June 30, 1987, the requirement that cylinders be constructed in accordance with ANSI Standard 14.1-1982 and modified the packaging requirement by authorizing not only ANSI Standard 14.1-1982 but previous editions of that standard. The revision also announced that a public meeting would be held on March 2, 1987, to discuss issues related to RSPA's rules on the transport of UF 6. The revision did not alter or delay requirements for cleaning cylinders.

On March 2, 1987, the public meeting was held at the U.S. Department of Transportation. Commenters cited potential disruption in defense and civilian nuclear activities if approximately 50,000 UF 6 packagings were removed from transportation by the new regulation.

In the final rule, cleaning procedures specified in Appendix A of ANSI Standard 14.1-1982 were incorporated in 49 CFR 173.420(a)(1) and made applicable to the cleaning of new and used packagings for UF 6. During the March 2, 1987 meeting, several attendees noted that the cleaning procedures in Appendix A are not suitable for cleaning used packagings. Specifically, the Appendix A procedures require that hydrostatic testing be performed prior to cleaning the interior. The commenters believed that introduction of water into a packaging containing a residue of UF 6 during hydrostatic testing could cause a reaction between UF 6 and the water. This reaction produces hydrogen fluoride (HF), a corrosive material which may damage the interior of the packaging and could potentially be released and injure persons in the area. RSPA agrees with these commenters and this emergency final rule is being issued to change § 173.420(a)(1) to reference cleaning procedures in ANSI Standard N14.1-1982, which contains procedures for cleaning both new and used packagings, and to delete the reference to Appendix A of the standard, which is suitable for new packagings only.

Other issues discussed in the March 2, 1987 meeting are under consideration by RSPA and not addressed in this final rule.

Under the provisions of section 553 of the Administrative Procedure Act, agencies are permitted to issue a rule in final form when notice and public procedure are impracticable, unnecessary or contrary to the public interest. This final rule eliminates an erroneous and potentially hazardous regulatory requirement and delay of its implementation is believed to be contrary to the public interest. Therefore, I find, under 5 U.S.C. 553, that notice and public procedures on the rule and delay in its effective date are contrary to the public interest.

The RSPA has determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 et seq.). Based on limited information concerning the size and nature of entities likely affected, I certify that this regulation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging, Radioactive materials.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

PART 173--SHIPERS--GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for 49 CFR Part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808, 1809; 49 CFR 1,53(e), 1.53, App. A to Part 1, 49 U.S.C. 1655, 1655(c).

2. In § 173.420, paragraph (a)(1) is revised to read as follows:

§ 173.420 Uranium hexafluoride (fissile and low specific activity).

(a) \* \* \*

(1) Before initial filling and during periodic inspection and test, packagings shall be cleaned in accordance with American National Standard N14.1-1982.

\* \* \* \* \*

Issued in Washington, DC, on March 9, 1987, under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

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